

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

TENA ALEXANDER JONES,

Plaintiff,

v.

JUSTIN PAUL STANISLAWSKI and
WANZEK CONSTRUCTION, INC.,

Defendants.

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**NOTICE OF REMOVAL
(DIVERSITY OF CITIZENSHIP)
28 U.S.C. § 1446(a)
Case No. 18-CvS-210 (Perquimans County)**

COME NOW Defendants Justin Paul Stanislawski and Wanzek Construction, Inc. (“Wanzek”), by and through its counsel in the above-captioned action, and hereby give notice pursuant to 28 U.S.C. §§ 1441 and 1446(a) that it has removed the action entitled “Tena Alexander Jones v. Justin Paul Stanislawski and Wanzek Construction” from the General Court of Justice, Superior Court Division, Perquimans County, North Carolina, Case No. 18 CvS 210 (“State Court Action”), to the United States District Court for the Eastern District of North Carolina. A copy of this Notice of Removal is being filed with the Clerk of the General Court of Justice, Superior Court Division, Perquimans County, North Carolina, in order to effect removal pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(d), the State Court Action shall proceed no further unless and until this case is remanded.

Grounds for Removal

1. Plaintiff initiated this action on December 17, 2018, by filing its Complaint in the Superior Court of Perquimans County, North Carolina. This action remains pending in that court.
2. Plaintiff’s action seeks to recover for alleged personal injuries arising from a motor vehicle accident that occurred on February 29, 2016 near Hertford, North Carolina. Plaintiff’s Complaint does not allege the specific amount being sought by Plaintiff. However, prior to this

action, Plaintiff claimed damages in excess of \$75,000. Accordingly, upon information and belief, the amount in controversy exceeds \$75,000.

3. Defendants accepted service of the Complaint on January 16, 2019.

4. Attached hereto as Exhibit A is a copy of all of the pleadings and other papers filed in the State Court Action to date.

5. According to the Complaint, Plaintiff is a citizen and resident of Perquimans County, North Carolina.

6. Defendant Justin Paul Stanislawski is a citizen and resident of Minnesota.

7. Defendant Wanzek is a company incorporated in North Dakota with its principal place of business in Roseville, Minnesota.

8. This Notice of Removal is being filed within thirty (30) days of the date that the Civil Summons and Complaint were first received by Defendants, pursuant to 28 U.S.C. § 1446(b)(1).

9. This case is removable under 28 U.S.C. § 1332 (“Diversity of Citizenship”) because there is: (i) complete diversity of citizenship of the real parties to the controversy, and (ii) the amount in controversy, upon information and belief, exceeds the sum or value of \$75,000, exclusive of costs and interest.

17. A copy of this Notice is being provided to all adverse parties and a copy hereof is being filed with the Clerk of Superior Court for Perquimans County, North Carolina, all in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendants give notice of the removal of the above-captioned action from the General Court of Justice, Superior Court Division of Perquimans County, North Carolina, to the United States District Court for the Eastern District of North Carolina.

This the 17TH day of January, 2019.

GOLDBERG SEGALLA LLP

/s/ Brady A. Yntema

Brady A. Yntema

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF REMOVAL has been served upon all parties to this action by forwarding a copy thereof by electronic mail and by first-class mail, postage prepaid, addressed to the following:

C. Everett Thompson, II
David R. Pureza
THOMPSON & PUREZA, P.A.
101 West Main Street
Elizabeth City, NC 27909
Attorneys for Plaintiff

This the 17TH day of January, 2019.

GOLDBERG SEGALLA, LLP

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